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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,529	10/11/2001	Jeffrey R. Peterson	9750	1497

26884 7590 06/19/2003

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EXAMINER
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ALPHONSE, FRITZ

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 06/19/2003

X

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/976,529	PETERSON, JEFFREY R.
	Examiner Fritz Alphonse	Art Unit 2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 October 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.
- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                           | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 . | 6) <input type="checkbox"/> Other:   |

Art Unit: 2675

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Briechle (U.S. Pat. No 5,977,998).

As to claim 1, Briechle (figs. 1-8) shows a display system for electronic label (i.e., ESL; col. 3, lines 15-24) comprising: a first display (61a) disposed on a first side of the ESL for displaying information; a second (61b) display disposed on a second side opposed to the first side of the ESL for displaying information; a memory device for storing the information to be displayed (col. 2, lines 5-17) and at least one ESL identification number (Briechle teaches about the identification of label 15 representing a unique address; col. 4, lines 35-54); communication circuitry for receiving

Art Unit: 2675

commands (note (fig. 6) the push-button 5 to receive commands from a customer; col. 4, lines 40-47); and ESL circuitry (fig. 6) for controlling the operation of both the first display (61a) and the second display (61b). See column 4, lines 15-35; col. 5, lines 40-47.

As to claims 2-3, Briechle discloses an ESL, wherein an identification number is associated with both displays, and wherein both the first display and the second display the same information (col. 10, lines 34-39).

As to claims 4-5, Briechle discloses an ESL, wherein a first ESL identification number is associated with the first display and a second ESL identification number is associated with the second display, and wherein the first display displays a first information and the second display displays a second information, wherein the first information differs from the second information (col. 9, lines 4-17).

As to claims 6-7, Briechle discloses an ESL, wherein the communication circuitry receives a command from a host computer directing the ESL to display a message on the first display (col. 10, lines 19-28), and wherein the communication circuitry receives a command from a host computer directing the ESL to display a message on both the first display and the second display (col. 9, lines 4-27).

As to claim 8, Briechle discloses an ESL, wherein the ESL is mounted on a shelf rail and perpendicular to the shelf rail (see col. 3, lines 15-18).

As to claim 9, method claim 9 corresponds to apparatus claim 1. Therefore, it is analyzed as discussed in claim 1 above.

Art Unit: 2675

*Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ninke (U.S. Pat. No. 3,653,001) discloses a time-shared computer graphics system having data processing means at display terminals.

Wallisch (U.S. Pat. No. 5,406,035) discloses a price-indicating electronic apparatus.

Failing, Jr. et al. (U.S. Pat. No. 5,448,226) discloses a shelf talker management system.

Goodwin, III (U.S. Pat. No. 5,473,146) discloses a system and method for connecting product information with electronic shelf displays.

Gupta et al. (U.S. Pat. No. 5,493,107) discloses a shelf price and product placement verification method and apparatus.

Briegle et al. (U.S. Pat. No. 5,864,325) discloses a technique for communicating with electronic labels in an electronic price display system.

Massaro (U.S. Pat. No. 6,543,688) discloses an electronic display for store.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse whose telephone number is (703) 308-8534.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras, can be reached at (703) 305-9720.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Art Unit: 2675

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 ( for Technology Center 2600 only )**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



F. Alphonse

Art Unit: 2675

June 13, 2003



STEVEN SARAS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600